

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YORKTOWN CENTRAL
SCHOOL DISTRICT,

Civil Action No. 07-CV-8648
(SCR)

Plaintiff,

vs.

ECF CASE

MONSANTO COMPANY,
PHARMACIA CORPORATION,
PECORA CORPORATION AND
JOHN DOES 1-20.

Defendants.

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PLAINTIFF'S RULE 26 INITIAL DISCLOSURES

In accordance with Rule 26(a)(1) of the Federal Rules of Civil Procedure, Plaintiff, by and through counsel, hereby makes their mandatory disclosures as follows:

Pursuant to Fed. R. Civ. P. 26(a)(1)(A), Plaintiff identifies the following individuals who are likely to have discoverable information they may use to support their allegations:

Stella Abel

Educator
Yorktown Central School District
46 Triangle Center
Yorktown Heights, NY 10598
914.243.8001

Ms. Abel has knowledge of the PCB project committee and related issues.

Stuart E. Bassell, P.E.

Project Manager

HDR / LMS
One Blue Hill Plaza
Pearl River, NY 10965
845.735.8300

Mr. Bassell has knowledge of the testing, analysis and remediation of PCB contamination in and around Yorktown Central School District property.

Chet Bijoor
Warren & Panzer Engineers, P.C.
228 E. 45th St., 10th Floor
New York, NY 10017
212.922.0077

Mr. Bijoor has knowledge of remediation and engineering activities relating to PCB contamination in and around Yorktown Central School District property.

Terrence Brennan
Cleaner
Yorktown Central School District
46 Triangle Center
Yorktown Heights, NY 10598
914.243.8001

Mr. Brennan has knowledge of PCB work including remediation and construction activities.

Carol Brockunier
Educator
Yorktown Central School District
46 Triangle Center
Yorktown Heights, NY 10598
914.243.8001

Ms. Brockunier has knowledge of the PCB project committee and communications regarding the issue.

Dr. Gordon A. Bruno
Superintendent
Yorktown Central School District
46 Triangle Center
Yorktown Heights, NY 10598
914.243.8001

Dr. Bruno has knowledge of the presence and remediation of PCB contaminated property at and around Yorktown Central School District property.

George Cipolla

Head Custodian
Yorktown Central School District
46 Triangle Center
Yorktown Heights, NY 10598
914.243.8001

Mr. Cipolla has knowledge of PCB work including discovery, consultant and remediation design, construction and disposal.

Thomas S. Cole

Assistant Superintendent for Business, Facilities and Non-Instructional Personnel
Yorktown Central School District
46 Triangle Center
Yorktown Heights, NY 10598
914.243.8001

Mr. Cole has knowledge of the presence and remediation of PCB contaminated property at and around Yorktown Central School District property.

Richard Deliberto

Warren & Panzer Engineers, P.C.
228 E. 45th St., 10th Floor
New York, NY 10017
212.922.0077

Mr. Deliberto has knowledge of remediation and engineering activities relating to PCB contamination in and around Yorktown Central School District property.

Carey Friedman

HDR / LMS
One Blue Hill Plaza
Pearl River, NY 10965
845.735.8300

Ms. Friedman has knowledge of PCB testing and remediation activities.

Josue Garcia

Warren & Panzer Engineers, P.C.
228 E. 45th St., 10th Floor
New York, NY 10017
212.922.0077

Mr. Garcia has knowledge of remediation and engineering activities relating to PCB contamination in and around Yorktown Central School District property.

Dr. James Haklar

TSCA Inspection Officer
USEPA Region 2 MS-105
United States Environmental Protection Agency
2890 Woodbridge Ave
Edison, NJ 08837

Dr. Haklar has knowledge of the testing, analysis and remediation of PCB contamination in and around Yorktown Central School District property.

Patricia Harris

Building and Fields Watchperson
Yorktown Central School District
46 Triangle Center
Yorktown Heights, NY 10598
914.243.8001

Ms. Harris has knowledge of the presence and remediation of PCB contaminated property at and around Yorktown Central School District property.

Dr. Robert Herrick

Department of Environmental Health
Harvard School of Public Health
665 Huntington Ave
Boston, MA 02115
617.384.8803

Dr. Herrick has knowledge of the presence and remediation of PCB contaminated property at and around Yorktown Central School District property, as well as knowledge relating to the toxicology and public health implications of PCBs.

Gary Hughes

Metro Environmental Contracting Corp.
2939 Lockport Road
Niagara Falls, NY 14305
716.285.9280

Mr. Hughes has knowledge of PCB remediation work on and around Yorktown Central School District property.

Jeff Javadi

ICET/WCT
Industrial Cleanup / Environmental Technologies / Waste Control Tech.

Mr. Javadi has knowledge of PCB soil remediation activities.

John Patrick Jackson

Construction Manager
Arris Contracting Company, Inc.
189 Smith St.
Poughkeepsie, NY 12601
845.473.3600

Mr. Jackson has knowledge of PCB remediation activities.

Daniel J. Kraft

Chief, Toxics Section
United States Environmental Protection Agency
2890 Woodbridge Ave
Edison, NJ 08837

Mr. Kraft has knowledge of the testing and remediation of PCBs in and around Yorktown Central School District property.

Christopher Lalak

Radiological and Chemical Analyst
Westchester County Board of Health
145 Huguenot St. 8th Floor
New Rochelle, NY 10801
914.813.5164

Mr. Lalak has knowledge of the testing and analysis for PCBs in and around Yorktown Central School District property.

Daniel Lefkowitz

2057 La Voie Court
Yorktown Heights, NY 10598
914.245.8617

Mr. Lefkowitz has knowledge of the presence and testing for PCB contaminated property at and around Yorktown Central School District property.

Dr. Joshua Lipsman

Health Commissioner
Westchester County Board of Health
145 Huguenot St. 8th Floor
New Rochelle, NY 10801
914.813.5164???

Dr. Lipsman has knowledge of the testing and analysis for PCBs in and around Yorktown Central School District property.

Colleen Mangan

Educator
Yorktown Central School District
46 Triangle Center
Yorktown Heights, NY 10598
914.243.8001

Ms. Mangan has knowledge of the PCB soil remediation project and related communications.

Neron McLeish

Cleaner
Yorktown Central School District
46 Triangle Center
Yorktown Heights, NY 10598
914.243.8001

Mr. McLeish has knowledge of PCB work including remediation and construction activities.

Kendra McQuilton

Environmental & Construction Group

Ms. McQuilton has knowledge of PCB remediation activities.

Michael Musso

HDR / LMS
One Blue Hill Plaza
Pearl River, NY 10965
845.735.8300

Mr. Musso has knowledge of the PCB investigation, testing, design and remediation activities.

Ralph Napolitano

Superintendent
Yorktown Central School District
46 Triangle Center
Yorktown Heights, NY 10598
914.243.8001

Mr. Napolitano has knowledge of the presence and remediation of PCB contaminated property at and around Yorktown Central School District property.

James Overmyer

Custodian
Yorktown Central School District
46 Triangle Center
Yorktown Heights, NY 10598
914.243.8001

Mr. Overmyer has knowledge of PCB work including remediation and construction activities.

Vincent Perna

Assistant Director of Facilities
Yorktown Central School District
46 Triangle Center
Yorktown Heights, NY 10598
914.243.8001

Mr. Perna has knowledge of PCB work including discovery, remediation, construction and disposal.

Nick Petrovski

Superior Abatement, Inc.
22 Commerce Rd.
Fairfield, NJ 07004
973.808.1616

Mr. Petrovski has knowledge of PCB remediation activities.

Maureen Pitocco

Educator
Yorktown Central School District
46 Triangle Center
Yorktown Heights, NY 10598
914.243.8001

Ms. Pitocco has knowledge of the PCB soil remediation project and related communications.

Raymond Shiabani

A & R Development Corporation
550 Old County Road, Suite 314
Hicksville, NY 11801
516.937.0207

Mr. Shiabani has knowledge of the PCB remediation activities on and around Yorktown Central School District property.

Kevin L. Smith

Director of Operations
Empire Environmental Solutions, Inc.
P.O. Box 301
Hughsonville, NY 12537
845.471.0935

Mr. Smith has knowledge of the sampling and analysis of caulking materials in and around Yorktown Central School District Property.

Kenneth S. Stoller

Chief, Pesticides and Toxic Substances Branch
United States Environmental Protection Agency
2890 Woodbridge Ave
Edison, NJ 08837

Mr. Stoller has knowledge of the testing, analysis and remediation of PCB contamination in and around Yorktown Central School District property.

Dennis M. Verboys

Director of Facilities
Yorktown Central School District
46 Triangle Center
Yorktown Heights, NY 10598
914.243.8001

Mr. Verboys has knowledge about the presence and remediation of PCB contaminated property.

John Wells

Principal, French Hill Elementary School
Yorktown Central School District
46 Triangle Center
Yorktown Heights, NY 10598
914.243.8001

Mr. Wells has knowledge of the presence and remediation of PCB contaminated property at and around Yorktown Central School District property.

The witness list above may not be all-inclusive and Plaintiff reserves the right to identify other relevant witnesses who may possess discoverable information.

Pursuant to Fed. R. Civ. P. 26(a)(1)(B), a description of the documents in the possession, custody or control of Plaintiff that may be used to support their allegations is as follows:

- (1) Documents relating to environmental sampling and analysis in and around Yorktown Central School District property;
- (2) Documents relating to the contracting and financing of environmental sampling and analysis in and around Yorktown Central School District property;
- (3) Documents regarding the remediation related activities evaluated and/or conducted in and around Yorktown Central School District property.
- (4) Photographs of property in and around Yorktown Central School District property;
- (5) Documents relating to press reports of PCB contamination in and around Yorktown Central School District property;
- (6) Correspondence with federal, state and local government officials, agencies and/or offices relating or pertaining to PCB contamination in and around Yorktown Central School District property;
- (7) Documents relating or pertaining to policy and/or protocols for addressing PCB contamination in and around Yorktown Central School District property;
- (8) Scientific journals and/or literature relating or pertaining to PCB environmental issues; and
- (9) Documents relating to defendants' conduct and knowledge of PCB environmental issues.

The documents described above may not be all inclusive and Plaintiff reserves the right to identify other relevant documents that may be related to the subject matter of the Complaint filed herein.

Pursuant to Fed. R. Civ. P. 26(a)(1)(C), Plaintiff states that the computation of damages requires expert review, which has not been completed at the present time.

Pursuant to Fed. R. Civ. P. 26(a)(1)(D), Plaintiff is not aware of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part of, or all of a judgment which may be entered in the action, or to indemnify or reimburse for payments made to satisfy the judgment.

Kevin J. Madonna /s/

Kevin J. Madonna (5595)
Kennedy & Madonna, LLP
48 Dewitt Mills Rd.
Hurley, NY
12443

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YORKTOWN CENTRAL SCHOOL DISTRICT

Plaintiff,

7:07-cv-8648 (SCR)

vs.

MONSANTO COMPANY,
PHARMACIA CORPORATION,
PECORA CORPORATION and
JOHN DOES 1-20.

ECF CASE

**CERTIFICATE
OF SERVICE**

Defendants.
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I, Kevin Madonna, hereby certify, under penalty of perjury, that on March 17, 2008, I will
cause to be sent a copy of Plaintiff's Rule 26 Initial Disclosures, via ECF, to the following persons:

1. Rafael Vergara, Esq.
White & Williams, LLP
One Penn Plaza
18th Floor, Suite 1801
New York, NY 10119
Counsel for Monsanto Company & Pharmacia Corporation
2. Steven Levy, Esq.
White & Williams, LLP
1800 One Liberty Place
Philadelphia, PA 19103-7395
Counsel for Pecora Corporation

Dated: March 17, 2008

Respectfully submitted,

Kevin J. Madonna /s/
Kevin J. Madonna
Kennedy & Madonna, LLP
48 Dewitt Mills Road
Hurley, NY 12443
845-331-7514
845-230-3111 (fax)